



## **Resolution 2017-01**

### **Adopting the Flagstaff Metropolitan Planning Organization Title VI Plan**

Whereas, the Flagstaff Metropolitan Planning Organization (FMPO) has been designated by the State of Arizona as the official Metropolitan Planning Organization for the Flagstaff region; and

Whereas, the purpose of Title VI of the United States Civil Rights Act of 1964 and subsequent legislation, regulations, statutes and orders is to prohibit programs that receive Federal funds from discriminating against participants on the basis of race, color, national origin, disability, age, gender, or income status; and

Whereas, the intent of the authorities is to ensure that all persons regardless of their race, color, national origin, disability, age, gender, or income status are allowed to participate in Federally funded programs; and

Whereas, the development of a written Non-Discrimination Agreement that expresses the agency's commitment to ensure non-discrimination within any of its activities, programs or projects is a federal requirement; and

Whereas, the FMPO has developed such an agreement and held public comment and review on the same;

Now therefore be it resolved that the Executive Board of the FMPO adopts the FMPO Title VI Plan as presented.

**Passed and approved this 27th day of July, 2016,**

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Coral Evans, Chair  
Executive Board  
Flagstaff Metropolitan Planning Organization



**FLAGSTAFF METROPOLITAN  
PLANNING ORGANIZATION**  
**CITY OF FLAGSTAFF • COCONINO COUNTY • ARIZONA DOT • NAIPTA**  
-211 West Aspen Avenue ♦ Flagstaff, Arizona 86001  
(928) 213-2651 ♦ [www.flagstaffmpo.org](http://www.flagstaffmpo.org)

## **Title VI & Environmental Justice Plan**

Related to Federally-funded  
Transportation Planning and Transportation Improvements

**Endorsed and Approved on**

**July 27, 2016, by the:  
FLAGSTAFF METROPOLITAN PLANNING ORGANIZATION  
EXECUTIVE BOARD**

**Endorsed on July 26, 2016, by the:  
TECHNICAL ADVISORY COMMITTEE**

as prepared by the  
Flagstaff Metropolitan Planning Organization  
(FMPO)  
The designated Metropolitan Planning Organization (MPO)  
for the Flagstaff, Arizona, Urbanized Area

## **TITLE VI NONDISCRIMINATION POLICY STATEMENT**

The Flagstaff Metropolitan Planning Organization (FMPO) ensures nondiscrimination compliance on the grounds of race, color, national origin, age, sex, disability, limited English proficiency, or low-income status as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Section 504 of the Rehabilitation Act of 1973, Executive Order 12898 (Environmental Justice), Executive Order 13166 (Limited English Proficiency), Code of Federal Regulations 49 part 21, Code of Federal Regulations 23 part 200, and Code of Federal Regulations 49 part 303.

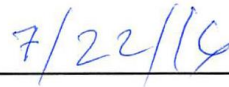
No person will be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any FMPO program or activity. Every effort will be made to ensure nondiscrimination in all of FMPO's programs and activities, whether those programs and activities are federally funded or not. FMPO's contractors must all comply with this policy.

The City of Flagstaff and FMPO program areas will work closely together to implement their mutual Title VI nondiscrimination responsibilities in all programs. Therefore, each FMPO program area will take full responsibility for preventing discrimination and ensuring nondiscrimination compliance in all FMPO programs and activities.



David Wessel

FMPO Manager



Date

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**En español:**

Para mas informacion, a esta interesado en participar en el planeamiento del proceso de transporte en su comunidad y necesita asisencia con idioma, por favor comuniquese:

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# **Flagstaff Metropolitan Planning Organization (FMPO)**

## **Title VI Plan**

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## **I. Introduction**

Flagstaff Metropolitan Planning Organization (FMPO) receives federal funding to conduct regional transportation planning and fund regional transportation improvements. As result, FMPO is required to operate in a non-discriminatory manner per Title VI of the Civil Rights Act of 1964 and related Environmental Justice requirements. This Title VI Plan describes what the how FMPO will operate in compliance with these federal mandates.

### **Title VI of the Civil Rights Act of 1964 and Environmental Justice Explained**

Section 601 of the Civil Rights Act of 1964 prohibits discrimination “on the basis of race, color, or national origin” in any “program or activity receiving federal financial assistance.” Subsequent legislation has extended the protections under Title VI of the Civil Rights Act to prohibit discrimination based on gender, disability, age, income status and limited English proficiency. The Civil Rights Restoration Act of 1987 established that Title VI applies to all programs and activities of Federal-aid recipients, sub recipients and contractors whether those programs and activities are federally funded or not.

In 1994, President Clinton issued Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. This Executive Order focused attention on Title VI by providing and requires that "each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations." This may include subgroups of elderly and disabled persons. The FMPO will make every effort to consider the health, environment and economic impact its activities may have on the communities and individuals within its regional area.

### **Statistical Data of Communities**

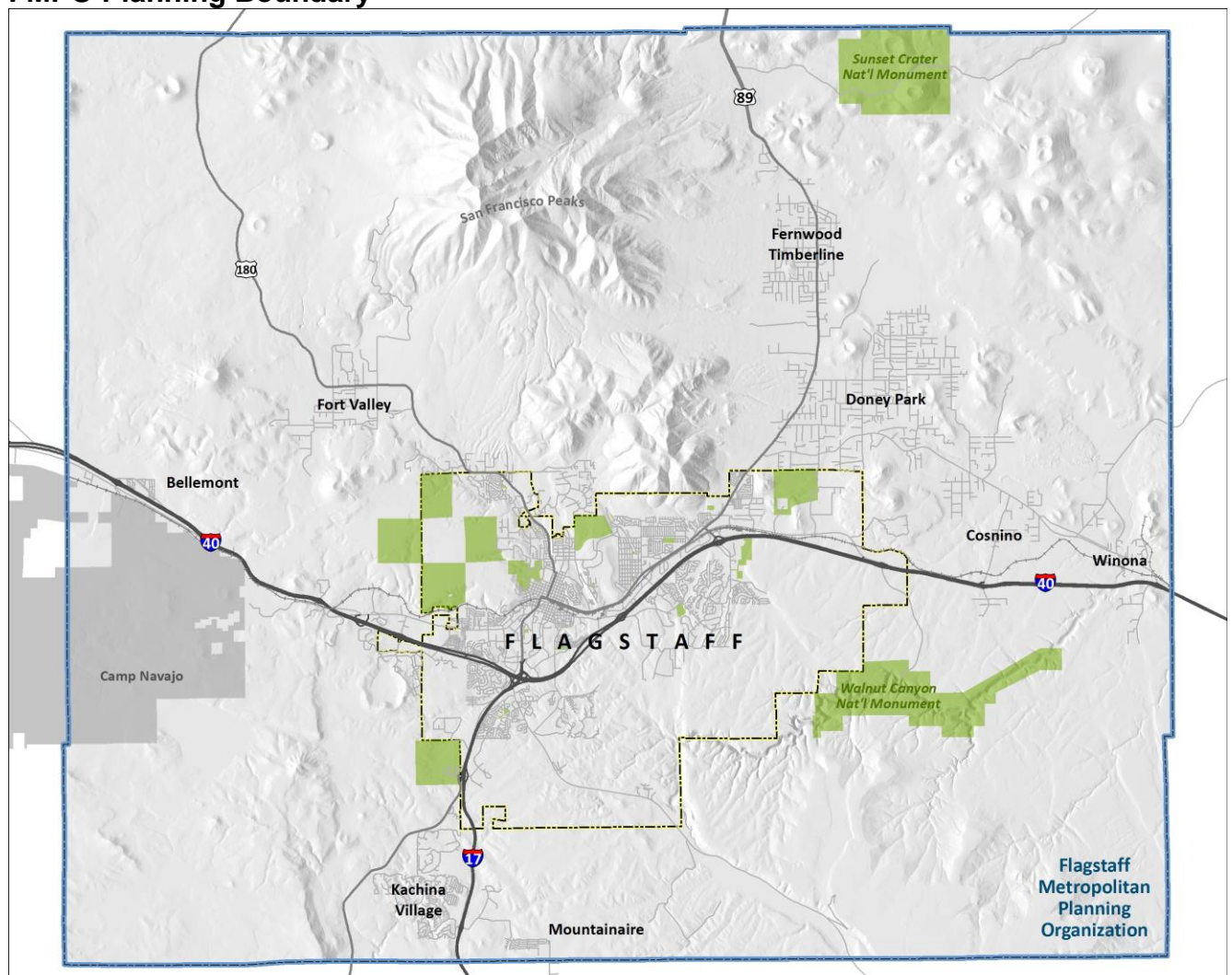
A statistical description of these populations together with maps illustrating their distribution throughout the FMPO region may be found in Appendix A. Demographic data has been obtained from the U. S. Census Bureau and is used in the FMPO planning process.

## II. FMPO Organizational & Program Administration

### General Organization

FMPO was established in 1996 with responsibility for transportation planning within the regional area generally described as the City of Flagstaff and the unincorporated communities of Bellemont, Winona, Doney Park, Kachina and Mountainaire and the state highway system within its boundaries. Federal regulations require that an MPO be designated to carry out a comprehensive, continuing, and coordinated transportation planning process for urbanized areas with a population of 50,000 or more. The City of Flagstaff is the fiscal and administrative agent for FMPO. The region covered by FMPO is over 525 square miles and is shown on the following map.

### FMPO Planning Boundary



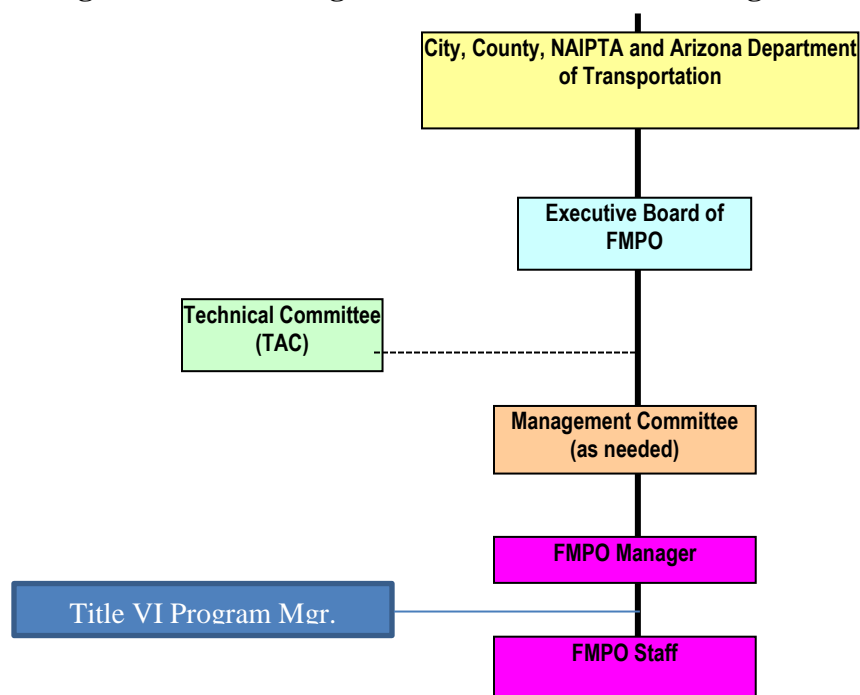


## MPO Membership

FMPO is comprised of the City of Flagstaff, Coconino County and the Arizona Department of Transportation. It works in cooperation with the regional transit provider, Northern Arizona Intergovernmental Transportation Authority (NAIPTA) and with Northern Arizona University.

The Title VI Program Manager is Stacey Brechler-Knaggs, Grants Manager for the City of Flagstaff located at City Hall, 211 W. Aspen Avenue, 2<sup>nd</sup> Floor, Flagstaff, AZ 86001. The FMPO Office location is on the ground floor of City Hall. She acts on behalf of the FMPO Title VI program as an interface to the State and Federal agencies regarding Title VI complaints and is the direct contact person for public complaint interaction.

**Figure 2. FMPO Organizational Chart and Staffing**



The MPO Manager is responsible for Title VI. The MPO Manager will be supported by the City of Flagstaff Grants Manager/Title VI Program Manager who is responsible for the oversight of the Title VI Plan. Oversight will include the day to day implementation of the Title VI Nondiscrimination Program. Other duties will include providing guidance and technical assistance on all Title VI compliance matters. The Title VI Program Manager is responsible for ensuring the required Title VI Plans are reports are prepared and will be assisted by the Title VI Liaison.

The FMPO Executive Board is the forum for cooperative decision-making on transportation related matters. This seven-member board is comprised of principal elected officials from local government and a representative from the Arizona State Transportation Board.



The Executive Board provides policy guidance and direction for the metropolitan transportation planning process. The Executive Board reviews and approves FMPO's Title VI Program Plan. Minutes from the meeting indicating plan approval are included as an attachment.

#### **FMPO Executive Board Representation**

1. City of Flagstaff	3 Members
2. Coconino County	2 Members
3. AZ State Transportation Board	1 Member
4. NAIPTA	1 Member

The Technical Advisory Committee (TAC) is an advisory committee to the Executive Board. The eight-member committee is comprised of the Public Works and Community Development Directors from Coconino County; the City Engineer, Planning Director and Transportation Services Manager from the City of Flagstaff; the District Engineer and Senior Transportation Planner for Arizona Department of Transportation, and the Deputy General Manager from the Northern Arizona Intergovernmental Public Transportation Authority. Designees for these positions may attend and vote if appointed per the approved operating procedures.

#### **FMPO Technical Advisory Committee Representation**

1. City of Flagstaff	3 Members	7 Males
2. ADOT	2 Members	1 Female
3. Coconino County	2 Members	8 Caucasian
4. NAIPTA	1 Member	

#### **FMPO/City Staff**

1. City of Flagstaff	4 Members
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#### **FMPO Federal Activity**

FMPO is primarily funded with federal transportation taxes passed through the Arizona Department of Transportation. As such, FMPO is responsible for assuring non-discrimination per Title VI of the Civil Rights Act of 1964 and related authorities in its activities including:

- Establishing an annual work program for regional transportation planning tasks;
- Performing strategic analyses and technical modeling of the transportation system;
- Establishing a fair and impartial setting for regional decision making that includes federal, state, and local agencies dealing with transportation issues;
- Prioritizing transportation projects and developing a Metropolitan Transportation Improvement Program;
- Allocating state and federal funds for both capital and operating needs;
- Preparing financial analysis and project programming;

- Ensuring compliance with state and federal standards; and
- Providing opportunities for public involvement.

### **III. FMPO Title VI Goals & Strategies**

The FMPO is committed to preventing discrimination and to fostering a just and equitable society and recognizes the key role that transportation services provide to the community. The FMPO establishes the following basic principles to serve as overall objectives in implementing this Title VI program:

- Make transportation decisions that strive to meet the needs of all people.
- Enhance the public-involvement process to reach all segments of the population and ensure that all groups have a voice in the transportation planning process regardless of race, color, national origin, gender, age, disability, and income status.
- Provide the community with opportunities to learn about and improve the quality and usefulness of transportation in their lives.
- Improve data collection, monitoring, and analysis tools that assess the needs of, and analyze the potential impacts of transportation plans and programs on Title VI protected populations.
- Avoid disproportionately high and adverse impacts on Title VI protected populations.
- Comply with the requirements of Title VI and accompanying rules and orders.

#### **FMPO Title VI Goals**

FMPO will consider environmental justice through planning activity according to Federal legislation noted above. Furthermore, in order to involve and assist the minority and low income populations, the MPO will adhere to the Safe Accountable Flexible Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), within the transportation planning process. A Public Participation Plan was adopted by the Executive Board on May 28, 2008.

The MPO will hold public meetings in facilities that are Americans with Disabilities Act (ADA) compliant and arrange for reasonable accessibility and accommodation to persons with disabilities. Further, to provide equally effective communication, FMPO will make due preparation, when appropriate, for persons requiring assistance, such as the hearing or visually impaired, upon request.

FMPO will assist persons with limited English proficiency (LEP) to participate in the transportation planning process. Staff will make every effort to provide Spanish interpreters and document translation, where feasible, upon request. Elderly persons or non-vehicle households who are unable to attend meetings may request information from the FMPO office and have the requested materials delivered to their residence. FMPO staff, coordinating availability, is willing to go speak to groups in an effort to eliminate participation barriers and involve citizens in the transportation process. See

our LEP policy and an analysis of likely encounters in the Appendices Section of this plan. It is estimated at 2.0% of region residents speak English “not well” or “not at all.”

## **FMPO Title VI Strategies**

The FMPO is responsible for conducting technical modeling of the transportation system; facilitating the interaction of federal, state, and local agencies dealing with transportation issues; preparation of financial analysis and project programming; and providing opportunities for public involvement.

All persons living, working, conducting business and visiting the region are beneficiaries of the planning, coordination, and construction activities of the MPO. FMPO does not construct projects; albeit, this activity is accorded to member agencies. The safe movement of goods and people is supported by providing and maintaining a transportation network and facilities.

As a result, the FMPO is involved in three different phases of a program: (1) Public Involvement, (2) Program Development & Planning, and (3) Reporting and Compliance. These three areas, together with General Administration, are applicable to Title VI regulations, and are referred to as the Title VI Program Areas.

The program areas are reviewed on a regular basis by the Title VI Program Manager to ensure their understanding of and compliance with Title VI and related authorities.

## **GENERAL PROGRAM ADMINISTRATION**

The following are general Title VI responsibilities of the FMPO.

### **Legal/Operational Guidelines**

- FMPO Procedures Manual
- City of Flagstaff Employee Handbook as adhered to by FMPO (<http://www.flagstaff.az.gov/index.aspx?NID=1697>)

## **Elements of FMPO General Program Administration**

### *Data Collection Procedures*

Data collection is an important aspect of the FMPO Title VI and environmental justice plan. Collection of demographic information can assist in transportation planning to determine impacts and benefits of potential projects.

Checking for environmental justice requires an examination of the distribution of benefits and burdens over time, space, and across various population groups. Demographic information can assist in identifying communities of concern. In addition, data collection can be used to develop outreach strategies and to monitor the effectiveness of outreach processes. Finally, data collection can be used to assess the demographic characteristics of those involved in the planning and decision-making process, including agency staff and policy and advisory committees.

As an initial step toward better integrating environmental justice into its work program, the FMPO has developed a baseline demographic profile (see Appendix A), which presents key demographic data describing the FMPO and identified population groups and communities to be considered for subsequent environmental justice analyses and activities. These tables and maps will be updated as needed in the annual report.

#### *Contracts and Intergovernmental Agreements*

The FMPO facilitates the execution of intergovernmental agreements between MPO partners and the Arizona Department of Transportation in association with distribution of Federal Surface Transportation Program-Urban (STP-U) funds for performance of specific projects or activities. The standard language incorporated into these intergovernmental agreements requires that the partners comply with all applicable federal, state, and local laws, rules, ordinance, and regulations at all times and in the performance of the work. This provision would include the nondiscrimination and environmental justice provisions contained under Title VI of the Civil Rights Act and related authorities.

The FMPO will utilize the ADOT Disadvantaged Business Enterprise program through the City of Flagstaff ([http://www.azdot.gov/inside\\_adot/CRO/DBEP.asp](http://www.azdot.gov/inside_adot/CRO/DBEP.asp)). FMPO is committed to working toward DBE contracting goals established by ADOT.

#### *Training Program*

The FMPO Title VI Program Manager will develop a process for providing training for FMPO employees and sub-contractors on Title VI and other Civil Rights statutes, either by developing and implementing its own training, or participating in trainings provided by The City of Flagstaff, USDOT Agencies or FHWA. The FMPO will utilize ADOT (USDOT) opportunities to provide Title VI and Civil Rights training for its employees.

#### *Public Dissemination*

The MPO Manager and City of Flagstaff Grants Manager are responsible for the implementation and oversight of the Title VI Plan. This includes disseminating Title VI program information to MPO employees, subrecipients, and beneficiaries. The FMPO has developed a formal Notice To The Public which is posted on the FMPO and City website. The Notice to the Public and other materials will also be posted at physical worksite locations.

#### *Title VI Plan/Annual Reports*

ADOT requires the FMPO to submit a new Title VI Plan every three years and an Accomplishment and Goals Report each year. The annual report will incorporate the data that the FMPO has collected supporting the Title VI Plan, as well as accomplishments for the past years and plans for the current year. *The MPO Manager is responsible for monitoring and compiling the accomplishment data for ADOT's and USDOT to review and for ensuring the timely submittal of the Annual Accomplishments and Goals Report and triennial Title VI Plan.*

## **Strategies for Integrating Title VI Responsibilities into FMPO General Program Administration**

### *Data Collection Procedures*

The following procedures are hereby established for data collection:

1. FMPO shall continue to update the summary of staffing composition of those involved in MPO activities and plans. The report shall include job classification, race and gender.
2. FMPO shall establish a reporting mechanism that includes demographics for non-elected members of its policy and advisory committees, including the Executive Board and Technical Advisory Committee. The report shall include race and gender.
3. FMPO staff shall strive to collect demographic information on public participants. This shall be accomplished by summarizing results from comment/feedback forms which request demographic information from participants at public meetings and workshops and public opinion polls. The submittal of demographic information will be voluntary.
4. FMPO shall continue to maintain a demographic profile of the MPO planning area using the most current and appropriate statistical information available on race, income, and other pertinent data. As new information becomes available, staff shall update the Demographic Profile of the FMPO planning area in order to provide an up-to-date baseline report documenting populations of concern for environmental justice analysis. The decennial census will be the primary basis of data.
5. Staff shall routinely evaluate public participation in order to determine whether the outreach plan has been successful in recruiting participation among Title VI protected populations.
6. FMPO staff will collect data from contractors and vendors relevant to achieving DBE goals.
7. FMPO will collect data on attendance of FMPO staff and relevant host-agency staff at Title VI training opportunities.

### **PUBLIC PARTICIPATION PLAN**

FMPO is committed to early and continuing public participation in transportation planning, programming, and implementation. In seeking public comment and review, the FMPO makes a concerted effort to reach all segments of the population, including Title VI protected populations.

Other authorities and methods to ensure public participation include:

### **Legal/Operational Guidelines**

- 23 CFR 450, Section 316 and The Fixing America's Surface Transportation Act (F.A.S.T. Act) require that the metropolitan transportation planning process provide for proactive public involvement and provide complete information, timely public notice, full public access to key decisions, and early and continuing involvement of the public in developing plans.
- FMPO Public Participation Plan, which describes how the MPO will let the public know about opportunities to get involved with regional transportation planning

## **Elements of FMPO Communications & Public Involvement**

**Web site** –FMPO maintains a website, [www.flagstaffmpo.org](http://www.flagstaffmpo.org), which is updated regularly. The site includes information on the FMPO responsibilities, programs, key products, meeting calendars, agendas and minutes; contact information for staff; the Title VI Plan, complaint procedures, and complaint form; and a sign up form for e-mail notifications.

**Publications** – Each year, FMPO issues publications, reports, and maps as part of the agency's work program, and responds to and processes a data requests. The information can be accessed by the public through the Web site.

**Press releases** – Press releases are routinely sent to various local media outlets – daily and weekly newspapers, TV stations, and radio stations, including the local Spanish language newspaper.

**Meetings open to the public** – FMPO board and committee meetings are open to the public. Meetings are organized in ways to encourage opportunities for the public to participate. Time for citizen comments is reserved at the start of all meetings. Meeting dates and times are posted well in advance on the agency's Web site, as well as mailed to members of the MPO media list. The meeting location is located in close proximity to transit service, is wheelchair accessible (WCA) and interpretation services can be provided when requested or need is anticipated.

**Opportunities for public comment** – FMPO provides opportunities for comment on adoption of amendments to transportation plans or programs. Comments are accepted by phone, fax, e-mail, US mail, through brochures with comment forms placed around the region, and in person at any of the meetings. Public comment periods are advertised through e-mail notices, and web and newspaper advertisements.

**Staff is accessible** – Contact information for all staff is provided on the agency's Web site, on project fact sheets and brochures, as well as on meeting agendas. Staff attends public meetings and is available to answer questions and take comments.

**Mailings** – FMPO routinely uses e-mail to keep the public informed of the agency's programs, public comment periods, meetings, and publications. FMPO maintains an e-mail list, including many community and faith-based organizations, senior, youth minority, low-income and other groups. FMPO also takes advantage of the City of Flagstaff *Cityscape*, a mailing to 30,000 addresses in the region that goes out 3-4 times per year.

**Events** – Events such as workshops, open houses, and forums are held regularly, as needed.

## **Strategies for Engaging Title VI Protected Groups**

The FMPO is committed to actively engaging traditionally underrepresented populations, and can use a variety of techniques to design and evaluate public involvement tools, including:

1. FMPO will continue to maintain distribution lists which contain community organizations, leaders, and religious organizations that are engaged in issues affecting Title VI protected populations. Community organizations and their leaders are invaluable in building communication between agencies and underrepresented groups. Community groups also provide access to individuals and can serve as forums for participation. Often, community organizations reflect community-wide concerns and can advise an agency on useful strategies for interaction.
2. FMPO will send news releases to and place advertisements in minority newspapers and news outlets, as needed, as well as in free publications and other media outlets that may be accessed by Title VI protected populations.
3. FMPO will evaluate its meeting times and locations to assure opportunities for a broad audience to attend. This would include, but not be limited to, assuring that the locations of public meetings are close to transit lines, and are accessible to the disabled, as well as held in a variety of times to provide the widest opportunity for involvement.
4. FMPO will annually evaluate the effectiveness of all communications and public involvement efforts and makes appropriate adjustments to its public involvement strategy. As part of this effort, FMPO will make efforts to outreach to different parties and determine whether any revisions are needed to assure better outreach.
5. FMPO will provide key technical information in formats and at places and times conducive to review by populations that may be traditionally underrepresented or underserved by existing transportation systems. This may include provision of information to sight-impaired persons, non-English speakers, or to persons without extensive formal schooling.



## LIMITED ENGLISH PROFICIENCY

### Strategies for Engaging Individuals with Limited English Proficiency

The FMPO has evaluated the language proficiency of residents within the MPO boundaries in order to determine whether language operates as an artificial barrier to full and meaningful participation in the transportation planning process. FMPO has used information from the 2000 Census to determine the extent of the need for translation services of its materials. The results of the analysis showed that less than 4% of MPO residents reported that they spoke English either “not well” or “not at all.” The FMPO policy for LEP is contained herein as follows:

#### FLAGSTAFF METROPOLITAN PLANNING ORGANIZATION LIMITED ENGLISH PROFICIENCY PLAN September 2010

- I. **PURPOSE:** The purpose of this General Order is to establish effective guidelines, consistent with Title VI of the Civil Rights Act of 1964, for departmental personnel to follow when providing services to, or interacting with, individuals who are limited English proficiency (LEP).

The Flagstaff Metropolitan Planning Organization (FMPO) recognizes the importance of effective and accurate communication between its personnel and the community that they serve. Language barriers can impede effective and accurate communication in a variety of ways. Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency (LEP) from accessing and/or understanding important rights, obligations, and services, or from communicating accurately and effectively in difficult situations. Hampered communication with LEP professionals and community members can present the FMPO with technical and ethical challenges. Ensuring maximum communication ability between public planning professionals and all segments of the region serves the interests of both.

- II. **POLICY:** The FMPO’s policy is to take reasonable steps to provide timely, meaningful access to LEP persons to the services and benefits the FMPO provides in all FMPO-conducted programs or activities. All personnel shall provide free language assistance services to LEP individuals whom they encounter or whenever an LEP individual requests language assistance services. Personnel will inform members of the public that language assistance services are available free of charge to LEP persons and that FMPO personnel will provide these services to them.

The steps taken will consider Department of Transportation guidance including:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
  2. The frequency with which LEP individuals come in contact with the program.
  3. The nature and importance of the program, activity, or service provided by the recipient to people's lives.
  4. The resources available to the recipient and costs.
- See analysis at the end of the LEP Plan.

### III. DEFINITIONS:

- A. Primary Language: means an individual's native tongue or the language in which an individual most effectively communicates. Personnel should avoid assumptions about an individual's primary language. For example, not all individuals from Central America speak Spanish fluently. Instead, some Central Americans may claim an indigenous language as their native tongue. Personnel should make every effort to ascertain an individual's primary language to ensure effective communication.
- B. Limited English Proficiency: designates individuals whose primary language is not English and who have a limited ability to read, write, speak, or understand English. LEP individuals may be competent in certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific: an individual may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations.
- C. Interpretation: is the act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.
- D. Translation: is the replacement of written text from one language (source language) into an equivalent written text in another language (target language).
- E. Bilingual: refers to the ability to use two languages proficiently.
- F. FMPO Authorized Interpreter: (FMPOAI) is a bilingual FMPO employee or contact who has been authorized to interpret for others in certain situations.
- G. FMPO AI List: is an accounting of FMPO personnel or contacts who are bilingual and are authorized to act as volunteer interpreters. The FMPO Administrative Specialist will create and maintain the list.

#### IV. PROCEDURES FOR ACCESSING INTERPRETATION SERVICES:

##### A. FMPO Personnel Requesting Interpretation Services:

1. Responding FMPO Personnel Responsibilities: FMPO personnel in the field should take necessary steps to anticipate the need of interpretation services (will attempt to identify the potential for encountering LEP individual's and their primary language) and contact the Administrative Specialist for assistance in requesting a FMPOAI.

Given an informal and non-controversial nature of a given outreach effort, FMPO personnel should first look to use of family, friends or bystanders for interpreting assistance. Barring exigent circumstances, FMPO personnel should not use minor children to provide interpreter services.

Given a controversial or more personal matter, FMPO staff should be aware that using family, friends, or bystanders to interpret could result in a breach of confidentiality, a conflict of interest, or an inadequate interpretation. In such cases, FMPO personnel are expected to follow the general procedures outlined in this Directive; however exigent circumstances may require some deviations. In such situations, personnel are to use the most reliable, temporary interpreter available, such as bilingual FMPO personnel or citizens, including family, friends and bystanders..

If no FMPOAI is available, FMPO personnel should utilize such services available to obtain the LEP individual's contact information, general point of concern and follow up at such time as more appropriate services are available.

##### B. Contracted In-Person Interpretation Services:

Contracted in-person interpretation services shall be available to all FMPO personnel when interacting with LEP individuals. The Administrative Specialist will be the central conduit for connecting personnel in the field to an appropriate interpreter.

1. Accessing Contracted In-Person Interpreters: FMPO personnel who believe they need this service will consult with the highest-ranking supervisor available. If the supervisor concurs, the FMPO personnel will contact the contracted in-person interpreter service, relay all information, and provide for appropriate scope of services and compensation.

NOTE: It is FMPO personnel's responsibility to develop and ask any questions. The interpreter's role is to serve as a neutral third party, taking care not to insert his or her perspective into the communication between the parties.

V. INTERVIEWS AND COMPLAINTS:

A. Complaint Procedures for LEP Persons:

Any LEP individual who wishes to file a complaint with the FMPO regarding language access, or the discharge of FMPO's duties, shall be provided with complaint forms if possible. Complaints will be investigated by the City Attorney's office.

VI. PROCEDURES FOR ACCESSING DOCUMENT TRANSLATION SERVICES:

- A. Translation services for documents such as key public involvement products and outreach materials for translation shall be coordinated through the Administrative Specialist or the FMPO Project Manager in the case of a consultant contract.

VII. TRAINING: LANGUAGE ASSISTANCE POLICY AND INTERPRETER SKILLS:

- A. LEP Policies: The FMPO will provide periodic training to personnel about FMPO's LEP policies, including how to access FMPO-authorized, telephonic and in-person interpreters. The FMPO shall conduct such training for new employees and at in-service training at least every two years. Training shall initially be conducted within 180 days of the effective date of this Directive.

VIII. MONITORING AND UPDATING LANGUAGE ASSISTANCE EFFORTS:

- A. Community Review: The FMPO shall assess demographic data, review contracted language access services utilization data, and consult with community-based organizations during the annual update of the Title VI report in order to determine if there are additional languages into which vital documents should be translated upon request.
- B. Tracking and Analysis of LEP Data: FMPO shall be responsible for assessing demographic data, reviewing contracted language access services utilization data, and consulting with community based organizations to ensure that the FMPO is providing meaningful access to LEP persons to the services and benefits the FMPO provides in all FMPO-conducted programs or activities.

FMPO has analyzed the four factors identified below:

1. **The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee.** There are 86,626 people in the FMPO Planning Region. The limited English proficient population is 2.0% or 1,731 of the total population, with Spanish being the predominant language. This data was obtained from 2010-2014 American Community Survey 5-Year Estimates. This data will be updated annually, as needed.
2. **The frequency with which LEP individuals come in contact with the program.** Transportation planning touch the lives of all persons in the FMPO member area. FMPO believes every effort should be made to provide those who speak English “less than well” the opportunity to participate in the planning process. Public Meeting Notices provide information on obtaining interpreter services.
3. **The importance of the service provided by the program to people’s lives.** FMPO activities are related to identifying and planning funding for future projects which will then be implemented by its member agencies. These activities and vital and effect all persons living in communities under the jurisdiction of FMPO.
4. **The resources available and the overall cost to the FMPO.** FMPO has limited staff and financial resources. We have determined that the translation of large plan documents and maps are not warranted at this time, as the *Safe Harbor Law* triggers are barely attained. However, FMPO does provide translation services upon request with advance notice.

## **PROGRAM DEVELOPMENT AND PLANNING**

The FMPO is involved in developing long- and short-range transportation plans to provide efficient transportation services to the Flagstaff urbanized area. In this role, the FMPO is responsible for preparation of the regional transportation plan. As part of this work, the FMPO performs a number of different planning functions, including:

- Establishing an annual work program for regional transportation planning tasks to be completed.
- Performing strategic analyses and technical modeling of the transportation system;
- Establishing a fair and impartial setting for regional decision making that includes federal, state, and local agencies dealing with transportation issues;
- Prioritizing transportation projects and developing a Metropolitan Transportation Improvement Program.
- Allocating state and federal funds for both capital and operating needs; and
- Preparing financial analysis and project programming.

The major area of impact by plans and programs is through decisions which identify one or more planned improvements over other options. This consequence may result from procedures and processes that shut a group out of the process, or from the failure to consider the impacts of various transportation system alternatives and programs of projects on one or more-identified groups.

## **Legal/Operational Guidelines**

Primary guidance is provided by:

- The Metropolitan Planning Organization (MPO) Regulations 23 CFR 450.
- The Fixing America's Surface Transportation Act (F.A.S.T. Act)

## **Key Planning and Programming Activities**

The following describes some of the key planning and programming activities undertaken by the FMPO:

**Unified Planning Work Program** (annual work plan). The Unified Planning Work Program (UPWP) is the FMPO annual transportation planning work program. The UPWP identifies the planning budget and the scope of planning activities that may be undertaken during the program year. The FMPO develops the UPWP in cooperation with federal, state, and local jurisdictions and transportation providers. This document includes a description of planning tasks and an estimated budget for each task to be undertaken by the agencies participating in the FMPO metropolitan planning process.

The UPWP also serves as a budgeting reference for planning tasks funded by the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) to meet F.A.S.T. Act requirements.

**Metropolitan Transportation Improvement Program** (short-range). The Metropolitan Transportation Improvement Program (MTIP) is a staged multiyear program of transportation improvements to be implemented during a 4-year period. The MTIP is required by the U.S. Department of Transportation as a prerequisite for federal funding for street, transit, and bike and pedestrian projects. In addition to satisfying federal requirements, the MTIP serves as a comprehensive source for information on all regionally significant transportation related projects planned by local jurisdictions and reflected by the FMPO.

**Regional Transportation Plan** (long-range). The FMPO is required to develop and regularly update a long range transportation plan for the FMPO region. This plan must:

- Include a financial plan that demonstrates how the adopted plan can be implemented
- Have at least a twenty year planning horizon
- Be updated every five years

**Statewide Transportation Improvement Program** (STIP). The Statewide Transportation Improvement Program, known as the STIP, is ADOT's five year transportation capital improvement program. It is the document that identifies the funding for, and scheduling of, transportation projects and programs throughout the State. It includes projects on the federal, state, city, and county transportation systems, multimodal projects (highway, passenger rail, freight, public transit, bicycle and pedestrian), and projects in the National Parks, National Forests, and Indian tribal lands. The MTIP is included in the STIP.

### **Strategies for Addressing Environmental Justice (EJ) in Planning Efforts**

The FMPO is committed to ensuring that these programs and plans meet the needs of all people to the maximum extent possible and avoid disproportionately high and adverse human health or environmental effects, including social and economic effects, on Title VI protected populations. Though it is recognized that much of the specific evaluation for environmental justice issues will occur at the specific project-level planning phase (which is the responsibility of the project proponent) rather than the overall transportation planning phase, the FMPO can use a variety of techniques to identify the risk of discrimination so that positive corrective action can be taken and to serve as a building block in subsequent decision making and analysis. These measures include:

1. The FMPO will document information used in identifying potential environmental justice issues as part of the Regional Transportation Plan effort or similar document. The analysis should include an evaluation and discussion of the following:

- Identification of those areas within the FMPO that contain higher than average concentrations of socio-economic groups, including low-income and minority populations as covered by the Executive Order on Environmental Justice (EJ) and Title VI provisions, when compared to FMPO area as a whole. To aid in this effort, the FMPO has prepared a demographic profile of the metropolitan planning area using census data to identify any block group with greater than the regional average of minority or low income households (see Maps at the end of this report).
- Analysis of any disproportionately high and adverse impacts to different socio-economic groups. This can be done by comparing the plan impacts on the minority, low-income, senior, disabled and other populations with respect to the impacts on the overall population within the FMPO. GIS mapping can be used to overlay the locations of the transportation projects upon the EJ neighborhood map so that comparisons could be made between the distributions of projects across the two community types (EJ vs. non-EJ).
- Evaluation of mitigation measures that could be considered to address adverse impacts, including avoidance, minimization, and opportunities to enhance communities and neighborhoods.
- Overview of the public participation process and efforts made to ensure that all groups within the MPO have been involved in the decision-making or project information process through an effective and thorough public participation effort.

2. The FMPO will solicit and consider input from all groups and citizens concerned with, interested in, and/or affected by MPO transportation plans or programs, in particular the needs of those that may traditionally underserved by transportation systems. The Public Participation Section above describes more particularly the steps that will be taken to solicit input.

3. The FMPO shall document in the annual report what changes have occurred as a result of public involvement, specifically involvement of Title VI protected populations.



4. The FMPO will include evaluation criteria that address issues of environmental justice when awarding funds to local agencies for projects to include in the Metropolitan Transportation Improvement Program (MTIP) and Regional Transportation Plan. Potential criteria could include: impact on accessibility and/or travel times to jobs or other activities, transit service provision, the distribution of transportation funding and activities.

5. In support of this effort, the MPO will work to enhance its analytical capabilities to evaluate the long-range transportation plan and the transportation improvement program impact on Title VI protected populations. Projects could include:

- Using modeling capabilities to evaluate accessibility by travel mode for various trip purposes.
- Evaluating the distribution of transportation projects or funds.

6. The FMPO will function in its role as a regional coordinator to work with other agencies, if requested, in addressing environmental justice issues that may occur as part of MPO funded project development activities.

**7. CONTRACTS AND SOLICITATIONS** - FMPO contracts for some planning activities and obtains consultant support by using a Request for Proposal or Request for Qualifications procedure. The requests are advertised, and a short list of qualified applicants is determined from the proposals submitted. A selection committee is formed, interviews with the short-listed consultants are held, and a consultant is chosen.

The consultants are required to conform to all Title VI provisions and those provisions specifically included in Request for Proposals and in the Contract for Services.

The CONSULTANT shall comply with, at its own expense, the provisions of all local, state and federal laws, regulations, ordinances, requirements, and codes that are applicable to the CONSULTANT as an employer of labor or otherwise. The CONSULTANT shall further comply with all laws, rules, regulations, and licensing requirements pertaining to its professional status and that of its employees, and shall require the same compliance of partners, associates, subcontractors, sub-consultants, and others employed or retained by it rendering any services hereunder.

## IV. Assurances & Program Administration

FMPO assures that it will comply with all federal mandates related to non-discrimination and environmental justice associated with the receipt of federal assistance. The program will be administered through the offices and procedures laid out in this section. The respective signed assurances endorsed on March 7, 2016 as follows:

### Flagstaff Metropolitan Planning Organization Title VI Assurances

The Flagstaff Metropolitan Planning Organization (herein referred to as the "Recipient"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through *Federal Highway Administration and Arizona Department of Transportation*, is subject to and will comply with the following:

#### Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled *Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation--Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);
- 23 C.F.R. Part 200 Subchapter C-Civil Rights (Title VI program implementation and related statutes)

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

#### General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda and/or guidance, the Recipient hereby gives assurances that it will promptly take any measures necessary to ensure that:

*"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from DOT, including the Federal Highway Administration.*

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of

these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

### Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its *Federal Aid Highway Program*.

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 2123 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all *Federal Aid Highway Program* and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*"The Flagstaff Metropolitan Planning Organization, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252.42 U.S.C. §§ 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."*

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.

4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.

5. That where the Recipient receives Federal financial assistance to a construct a facility or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.

7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:

- a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and

- b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project or program.

**8** That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures

or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:

- a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
- b. the period during which the Recipient retains ownership or possession of the property.

**9** The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

**10** The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, *Flagstaff Metropolitan Planning Organization* also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing *Federal Highway Administration* or *Arizona Department of Transportation* access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the *Federal Highway Administration* or *Arizona Department of Transportation*. You must keep records, reports, and submit the material for review upon request to *Federal Highway Administration*, *Arizona Department of Transportation*, or its designee in timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

*Flagstaff Metropolitan Planning Organization* gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the

U.S. Department of Transportation under the *Federal Highway Administration* and *Arizona Department of Transportation*. This ASSURANCE is binding on Arizona, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the *Federal Aid Highway Program* the person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

**Flagstaff Metropolitan Planning**

**Organization** - City of Flagstaff as Host Agency

**(Name of Recipient)**

DATED 3/7/16

by

  
**(Signature of Authorized Official)**

Josh Copley, City Manager

Grant Agency: U.S. Department of Transportation, through Federal Highway Administration  
and Arizona Department of Transportation

Project Title: Flagstaff Metropolitan Planning Organization MPD Agreement

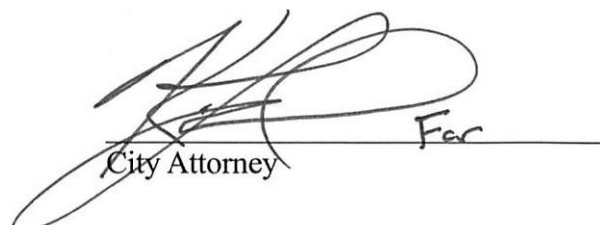
No.: JPA 11-085

CAR Agreement No.: JPA-15-0005327-T

Attest:

  
City Clerk

Approved as to Form:

  
City Attorney

## APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. Compliance with Regulations: The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, *Federal Highway Administration or the Arizona Department of Transportation*, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. Non-discrimination: The contractor, with regard to the work performance by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. Information and Reports: The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient, the *Federal Highway Administration or Arizona Department of Transportation* to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient, the *Federal Highway Administration, or Arizona Department of Transportation*, as appropriate, and will set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance: In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the *Federal Highway Administration or Arizona Department of Transportation*, may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the contractor under the contract until the contractor complies; and/or
  - b. cancelling, terminating, or suspending a contract, in whole, or in part.
6. Incorporation of Provisions: The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with request to any subcontract or procurement as the Recipient, the *Federal Highway Administration, or Arizona Department of Transportation* may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

## APPENDIX B

### CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that Flagstaff Metropolitan Planning Organization will accept title to the lands and maintain the project constructed thereon in accordance with Title 23, United States Code the Regulations for the Administration of *Federal Aid for Highways*, and the policies and procedures prescribed by the *Arizona Department of Transportation, Federal Highway Administration* and the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Flagstaff Metropolitan Planning Organization all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

#### (HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto Flagstaff Metropolitan Planning Organization and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the Flagstaff Metropolitan Planning Organization, its successors and assigns.

The Flagstaff Metropolitan Planning Organization in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [.] [and]\* (2) that the Flagstaff Metropolitan Planning Organization will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally- assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].\*

\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.



## APPENDIX C

### CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the Flagstaff Metropolitan Planning Organization pursuant to the provisions of Assurance 7(a):

A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:

1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities,

B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, Flagstaff Metropolitan Planning Organization will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.\*

C. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, Flagstaff Metropolitan Planning Organization will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will thereupon revert to and vest in and become the absolute property of the Flagstaff Metropolitan Planning Organization and its assigns\*.

\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.

## APPENDIX D

### CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by Flagstaff Metropolitan Planning Organization pursuant to the provisions of Assurance 7(b):

A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended set forth in this Assurance.

B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, Flagstaff Metropolitan Planning Organization will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.\*

C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, Flagstaff Metropolitan Planning Organization will there upon revert to and vest in and become the absolute property of Flagstaff Metropolitan Planning Organization and its assigns.\*

Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.

## APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

### Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42

U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);

- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1687 *et seq.*).

## **FMPO Title VI Coordination and Administration**

Compliance is ongoing and falls under duties for the MPO Manager. The MPO Manager will be supported by the City of Flagstaff Grants Manager/Title VI Program Manager. Specific duties will fall to relevant host agency departments such as Human Resources, Legal, Purchasing and Finance. The City of Flagstaff Grants Manager may be reached at:

City of Flagstaff  
Attn: Office of the Grants Manager/Title VI Program Manager  
211 W. Aspen Avenue  
Flagstaff, AZ 86001  
928-213-2227

## **Complaint Process**

Any person who believes that he or she, either individually, as a member of any specific class of persons, or in connection with any minority contractor, has been subjected to discrimination prohibited by title VI of Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 or related authorities may file a complaint. The basis of the complaint must be (a) unequal treatment because of race, color, national origin, gender, age, disability, income status, and/or Limited English Proficiency, or (b) noncompliance with Title VI rules or guidelines adopted thereunder.

The Arizona Department of Transportation (ADOT) has the principal responsibility for processing, investigating, and resolving any complaint arising as a result of operations of its subrecipients such as the FMPO. The FMPO will be responsible for processing, investigating and resolving complaints of discrimination by its member agencies regarding program activities involving the use of federal funds allocated to the FMPO.

The complaint process will follow the ADOT procedures. The ADOT Complaint Process can be found at <https://www.azdot.gov/business/civil-rights/title-vi-nondiscrimination-program/filing-a-complaint>. Complaints must be in writing with the ADOT Civil Rights Office, 206 S. 17<sup>th</sup> Ave., Phoenix, AZ 85007. The telephone number is 602-712-8946. Complaints received by the FMPO will be forwarded to the ADOT Civil Rights Office. All complaints will be promptly investigated by the ADOT Civil Rights Office.

Refer to the Arizona Department of Transportation for more information on the filing and investigation of discrimination complaints. See Appendix C for respective complaint forms and complaint log.

## **Compliance**

FMPO will monitor shortcomings in the implementation of the FMPO Title VI and Environmental Justice Plan in two primary ways. First, the annual Title VI report will provide insight into the daily operations and work program elements regarding how well and effectively strategies are being applied. Second, the FMPO will have access to the City of Flagstaff's annual audit results. An annual audit is performed to evaluate compliance with all applicable local, state and federal regulations controlling city expenditures. The FMPO is hosted by the City which acts as the FMPO fiscal agent. Therefore, the audit will review FMPO activities.

Results of these reviews will be considered and corrective action incorporated into the annual report and its Title VI goals for the forthcoming year.

### **Subrecipient Review Procedures**

FMPO will ensure that any subrecipients implement policies and procedures to comply with Title VI and related nondiscrimination authorities through subrecipient monitoring through desk reviews and on-site visits. Since this is a planning organization, FMPO has no subrecipients at this time.

### **Complaints, Investigations, Lawsuits**

There have been no investigations, complaints or lawsuits against FMPO during the past three years. A copy of a Compliant Log is attached.

# Appendix A

## Statistical Data of Communities

FMPO Environmental Justice Statistics									
	Flagstaff	Region <sup>1</sup>		Coconino County		Arizona		United States	
	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Population		91,129		135,817		6,561,516		314,107,084	
Households		32,851		46,391		2,387,246		116,211,092	
Aged 65 and over	7.6	8,739	9.6	13,481	9.9	974,487	14.9	43,177,961	13.7
Non white	26.7	20,769	22.8	51,150	37.7	1,387,434	21.1	82,257,371	26.2
Hispanic	18.8	15,615	17.1	18,683	13.8	1,977,026	30.1	53,070,096	16.9
Below poverty	24.9	16,686	20.2	30,222	23.8	1,169,309	18.2	47,755,606	15.6
With a disability	7.5	7,821	8.6	15,014	11.1	767,091	11.9	37,874,571	12.3
No vehicle	6.4	1,717	5.2	2,974	6.4	164,029	6.9	10,594,153	9.1

Source: 2010-2014 American Community Survey 5-Year Estimates

<sup>1</sup> Flagstaff CCD

FMPO Limited English Proficiency				
	Households	Percent	Persons	Percent
Total	31228	100.00	86626	100.00
Spanish LEP	381	1.22	1057	1.22
Other Indo-European LEP	28	0.09	78	0.09
Asian-Pacific Islands LEP	120	0.38	333	0.38
Other languages LEP	95	0.30	264	0.30
Total LEP	624	2.00	1731	2.00

Source: 2010-2014 American Community Survey 5-Year Estimates

Population totals estimated using an average household size of 2.774 persons per household

A "limited English speaking household" is one in which no member 14 years old and over (1) speaks only English or (2) speaks a non-English language and speaks English "very well." In other words, all members 14 years old and over have at least some difficulty with English. By definition, English-only households cannot belong to this group.

## Appendix B

### Analysis Maps



Title VI Plan

Map 1  
Non-white  
population

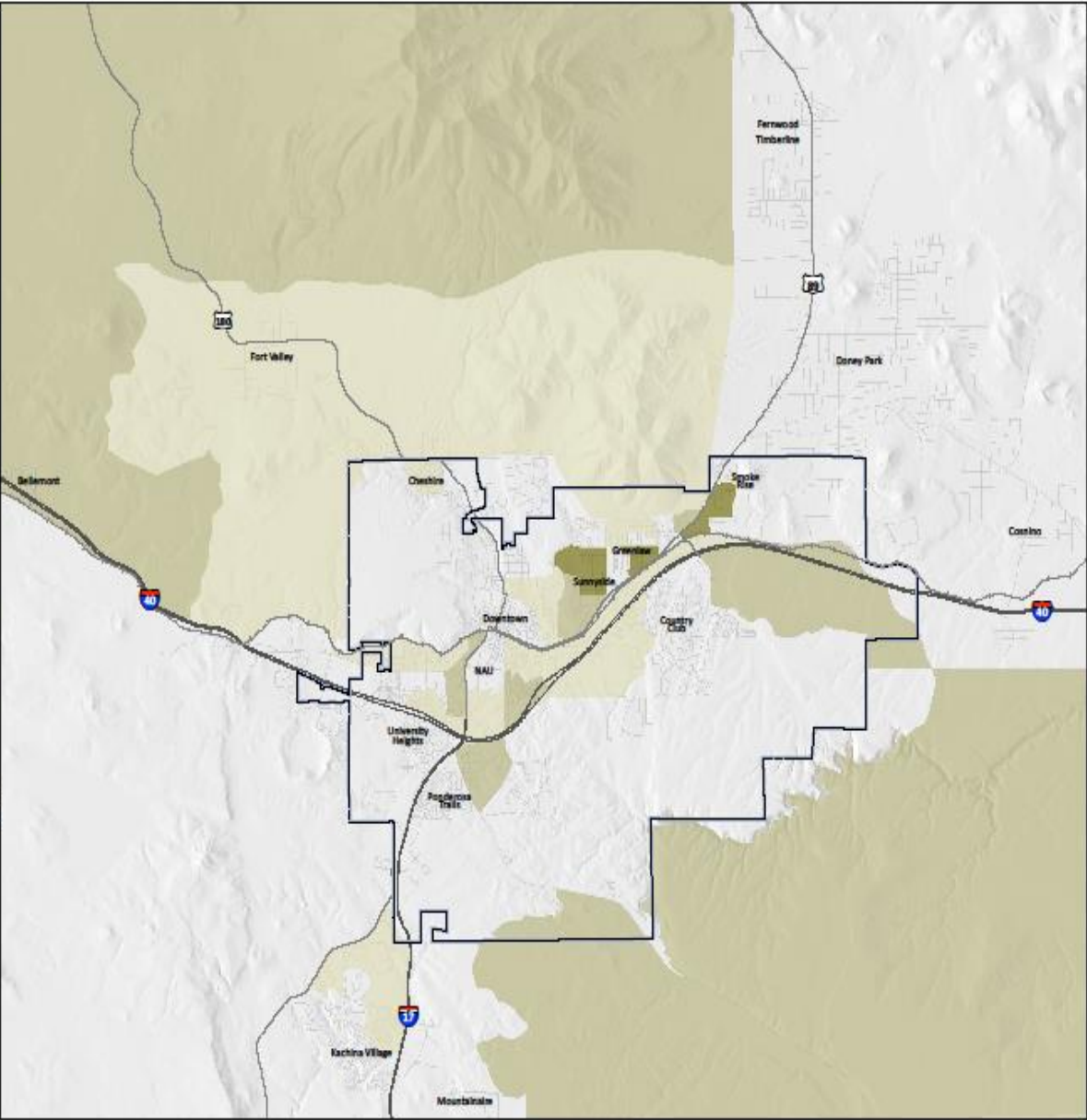
Percentage of the  
population whose race  
is other than white alone

- Regional average is 23.9%
- 1.0 to 1.5 times
  - 1.5 to 2.0 times
  - More than 2.0 times

Source: U.S. Census Bureau  
2010-2014 5-Year  
American Community Survey



Flagstaff MPO  
March 2016







Title VI Plan

Map 2  
Hispanic  
population

Percentage of the  
population that is  
Hispanic or Latino

Regional average is 17.9%

- 1.0 to 1.5 times
- 1.5 to 2.0 times
- More than 2.0 times

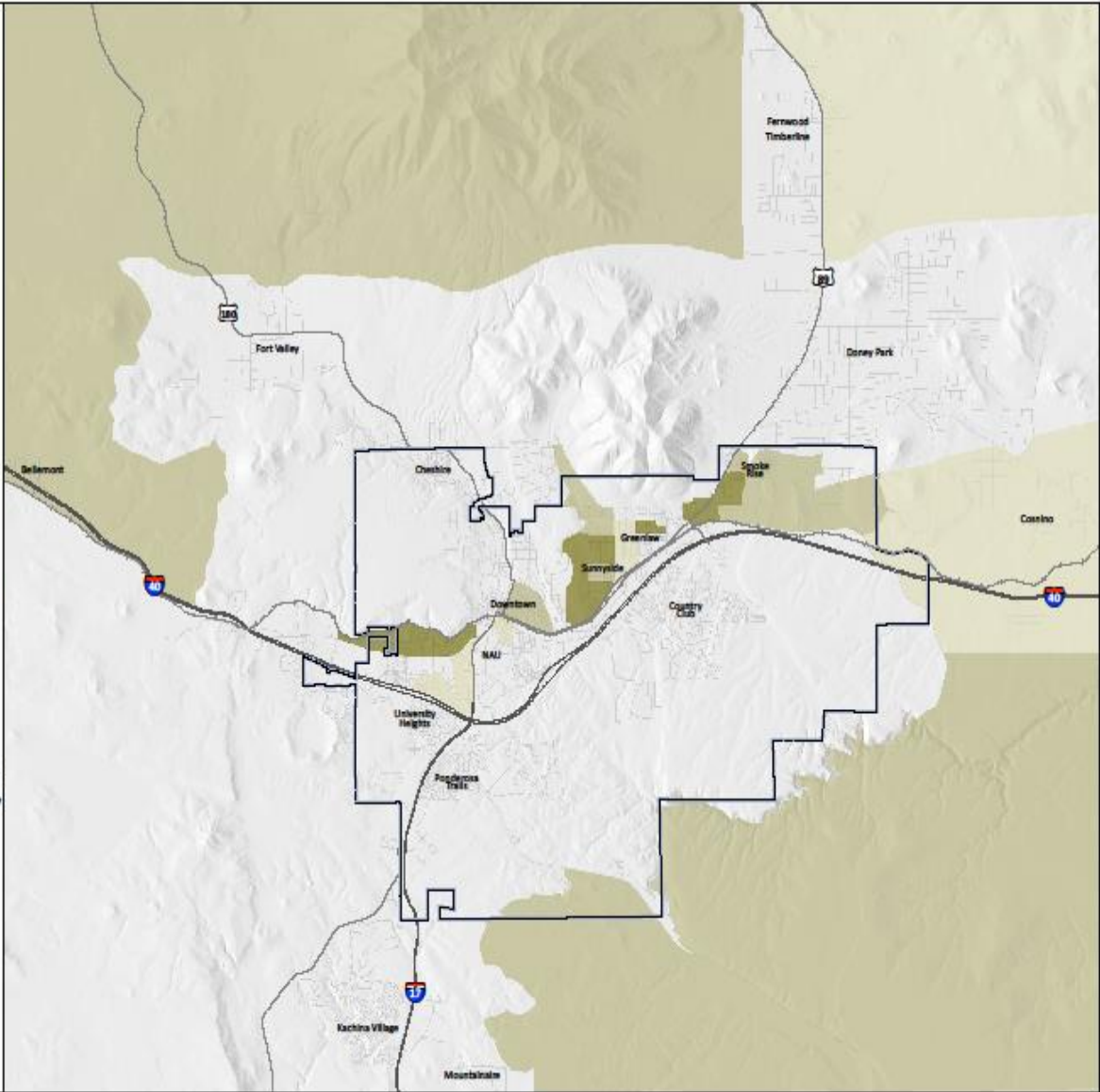
Source: U.S. Census Bureau  
2010-2014 5-Year  
American Community Survey



3

Miles

Flagstaff MPO  
March 2016





Title VI Plan

Map 3  
Limited  
English  
proficiency

Percentage of households  
in which no one  
age 14 and over  
speaks English only  
or "very well"

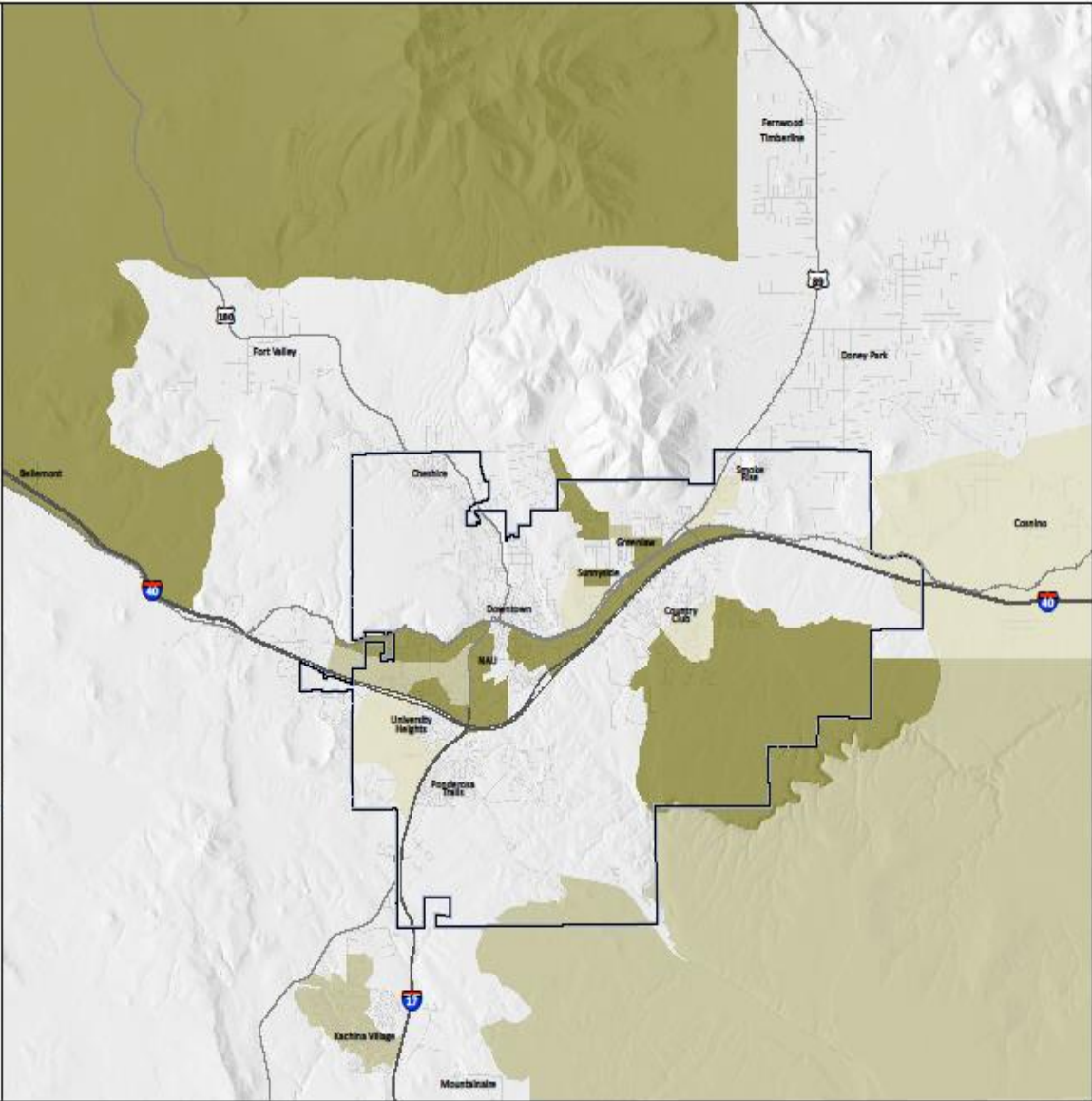
Regional average is 2.0%

- 1.0 to 1.5 times
- 1.5 to 2.0 times
- More than 2.0 times

Source: U.S. Census Bureau  
2010-2014 5-Year  
American Community Survey



Flagstaff MPO  
March 2016





Title VI Plan

Map 4  
Poverty  
status

Percentage of families  
whose income in the past  
12 months was  
below the poverty level

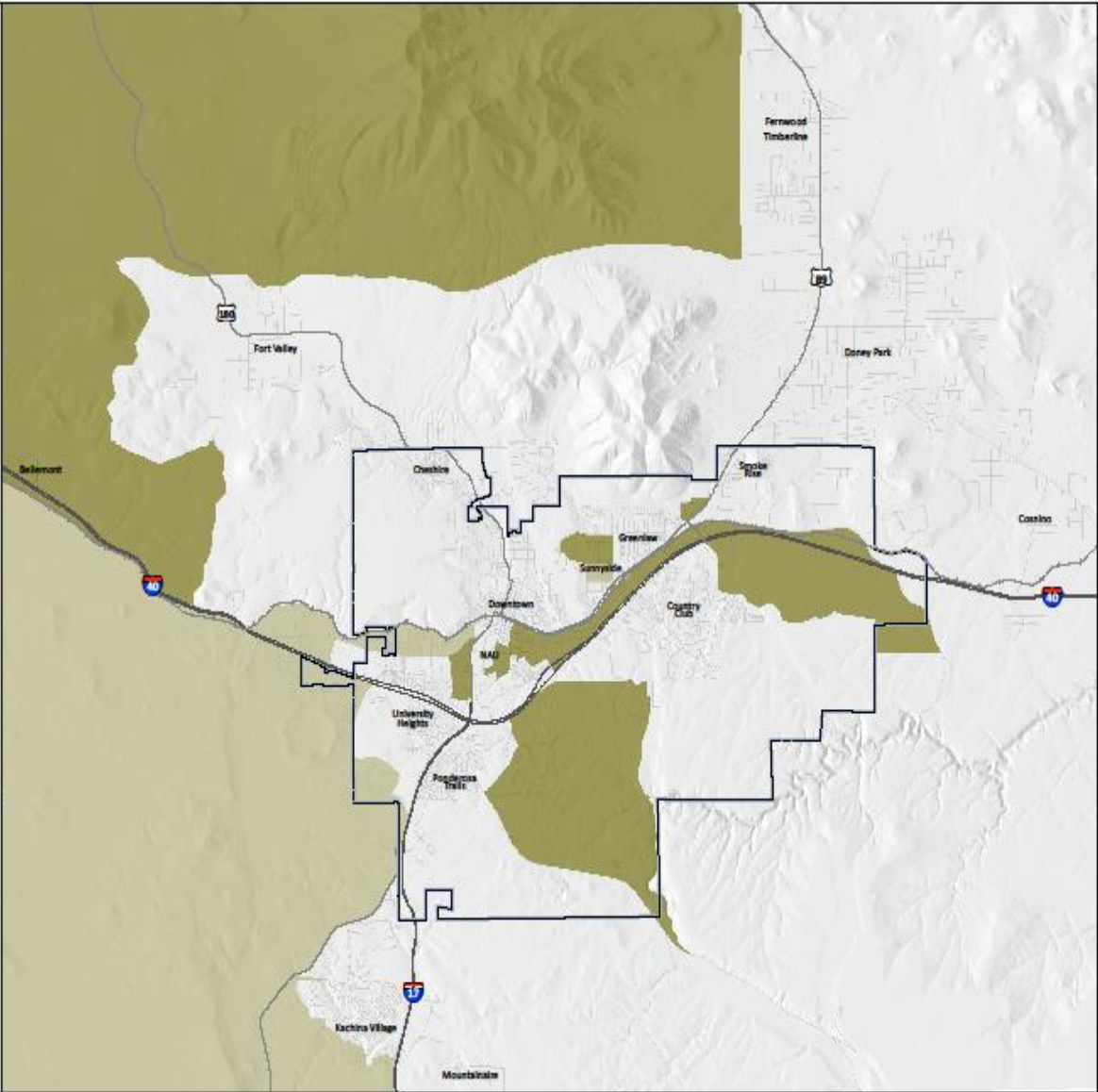
Regional average is 12.6%

- 1.0 to 1.5 times
- 1.5 to 2.0 times
- More than 2.0 times

Source: U.S. Census Bureau  
2010-2014 5-Year  
American Community Survey



Flagstaff MPO  
March 2016





Title VI Plan

Map 5  
Elderly  
population

Percentage of the  
population age 65  
and older

- Regional average is 8.1%
- 1.0 to 1.5 times
  - 1.5 to 2.0 times
  - More than 2.0 times

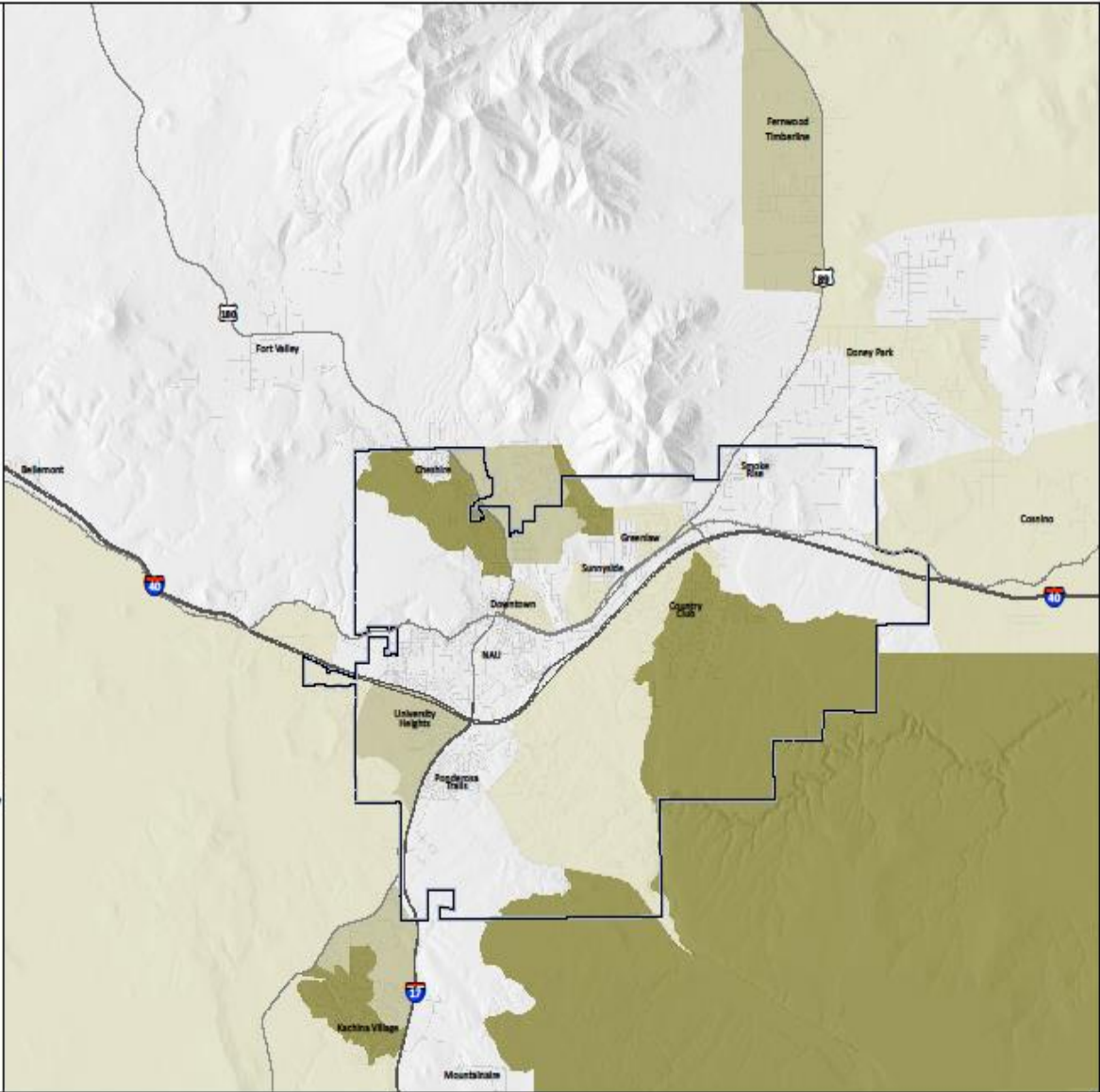
Source: U.S. Census Bureau  
2010-2014 5-Year  
American Community Survey



3

Miles

Flagstaff MPO  
March 2016





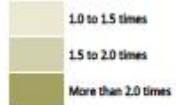


## Title VI Plan

### Map 6 Disability status

Percentage of the  
civilian non-  
institutionalized population  
with a disability

Regional average is 8.4%



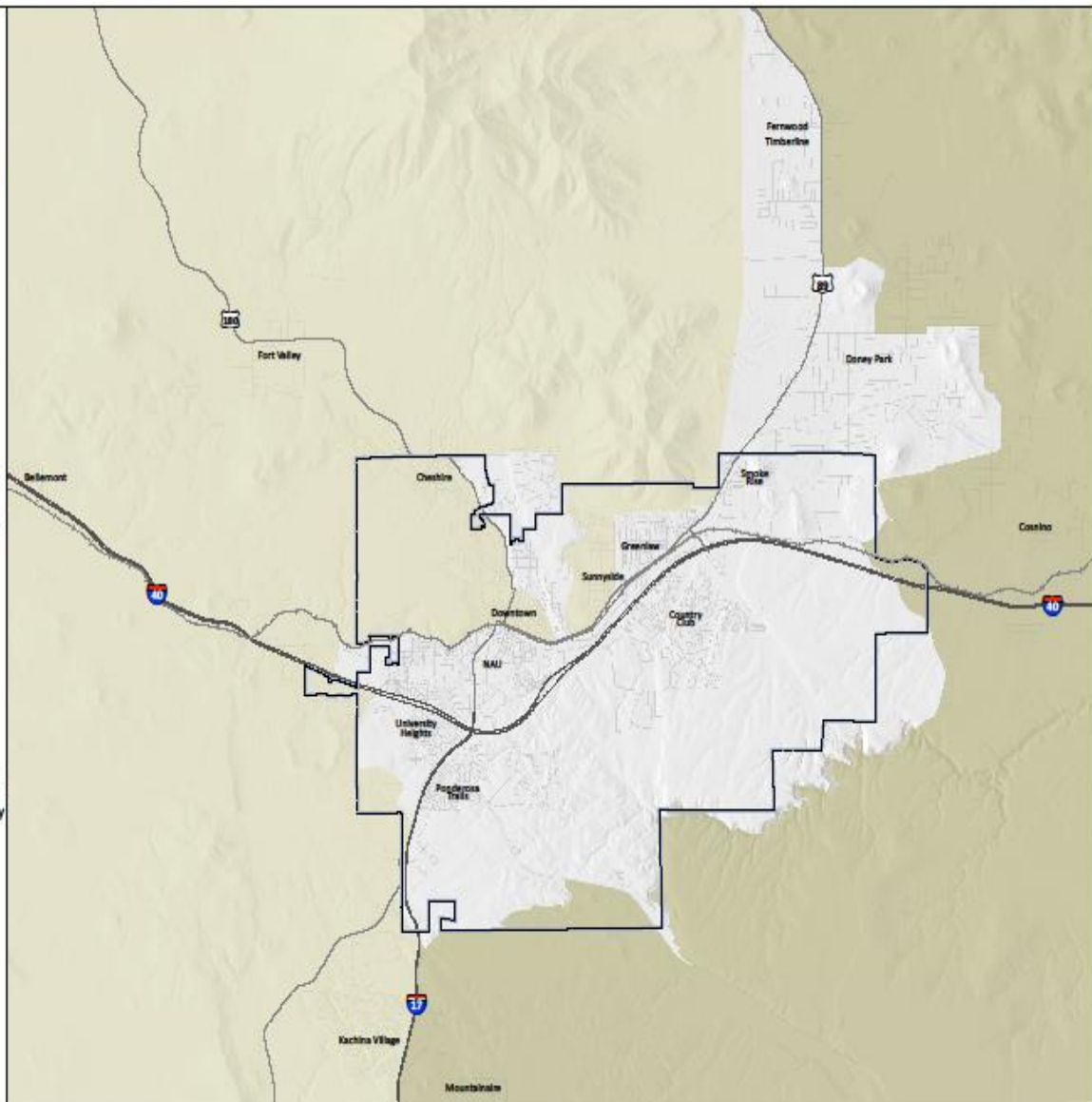
Source: U.S. Census Bureau  
2010-2014 5-Year  
American Community Survey



3

Miles

Flagstaff MPO  
March 2016





Title VI Plan

Map 7  
No vehicles  
available

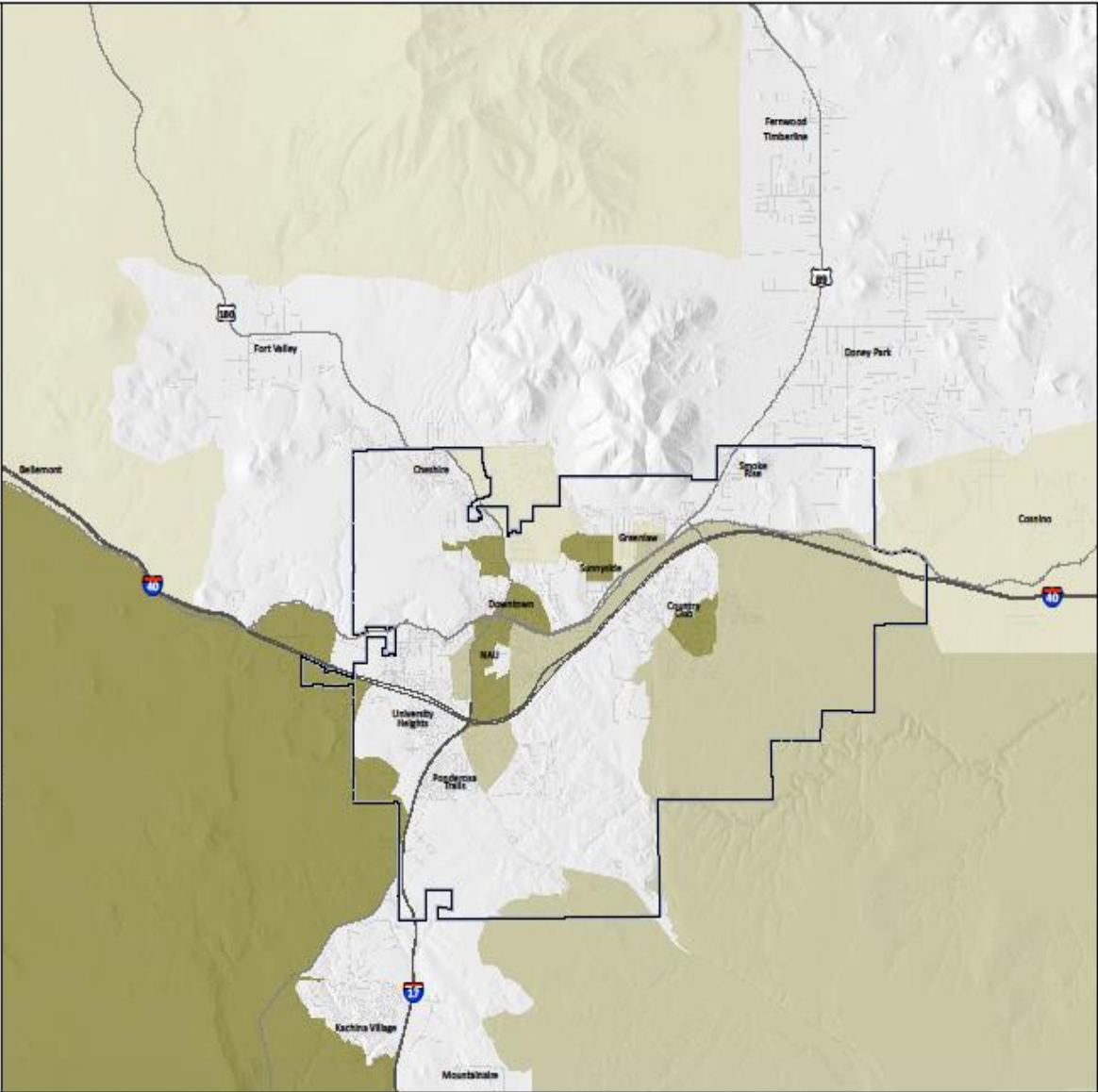
Percentage of households  
that do not have a  
vehicle available

- Regional average is 5.4%
- 1.0 to 1.5 times
  - 1.5 to 2.0 times
  - More than 2.0 times

Source: U.S. Census Bureau  
2010-2014 5-Year  
American Community Survey



Flagstaff MPO  
March 2016





# Title VI Discrimination Complaint Form

Note: *The following information is needed to assist in processing your complaint.*

Complainant's Information:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Home Phone Number: \_\_\_\_\_ Alternate Phone Number: \_\_\_\_\_

Person discriminated against (someone other than complainant):

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Home Phone Number: \_\_\_\_\_ Alternate Phone Number: \_\_\_\_\_

Which of the following best describes the reason you believe the discrimination took place?  
Please be specific.

☐ Race\* \_\_\_\_\_ ☐ Color\* \_\_\_\_\_ ☐ National Origin\* \_\_\_\_\_

☐ Sex \_\_\_\_\_ ☐ Age \_\_\_\_\_ ☐ Disability\* \_\_\_\_\_

☐ Low Income Status \_\_\_\_\_ ☐ Limited English Proficiency (LEP) \_\_\_\_\_

On what date(s) did the alleged discrimination take place? \_\_\_\_\_

Where did the alleged discrimination take place? \_\_\_\_\_

What is the name and title of the person(s) who you believe discriminated against you (if known)?

Describe the alleged discrimination. Explain what happened and who you believe was responsible.  
(If additional space is needed, add a sheet of paper).

List names and contact information of persons who may have knowledge of the alleged discrimination.



---

If you have filed this complaint with any other federal, state, or local agency, or with any federal or state court, check all that apply.

☐ Federal Agency    ☐ Federal Court    ☐ State Agency    ☐ State Court    ☐ Local Agency

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Alternate Phone Number: \_\_\_\_\_

Please sign below. You may attach any written materials or other information you think is relevant to your complaint.

\_\_\_\_\_  
Complainant Signature                      \_\_\_\_\_                      Date                      Number of attachments: \_\_\_\_\_

\*FTA protected classes include only race, color and national origin and disability.

Submit form and any additional information to:

Flagstaff Metropolitan Planning Organization  
MPO Manager/Title VI Coordinator  
211 W. Aspen Avenue  
Flagstaff, AZ 86001  
Phone: 928-213-2651    Fax: 928-213-2609

ADOT Civil Rights Office  
CivilRightsOffice@azdot.gov  
ADA/Title VI Nondiscrimination Program Coordinator  
206 S. 17<sup>th</sup> Avenue, Mail drop 155A  
Phoenix, AZ 85007  
Phone: 602.712.8946    Fax: 602.239.6257

## Appendix C: COMPLAINT LOG: Complaints, Investigations, Lawsuits

## COMPLAINTS, INVESTIGATIONS, LAWSUITS LOG

[illegible]

## Appendix D: FMPO Title VI Nondiscrimination Notice to the Public



## FLAGSTAFF METROPOLITAN PLANNING ORGANIZATION



### FMPO TITLE VI NONDISCRIMINATION NOTICE TO THE PUBLIC

The Flagstaff Metropolitan Planning Organization (FMPO) hereby gives public notice that it is the Agency's policy to assure full compliance with Title VI of the Civil Rights Act of 1964 and other related authorities in all programs and activities.

FMPO's Title VI Program requires that no person shall, on the grounds of race, color, national origin, age, sex, disability, low income status or limited English proficiency (LEP) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity.

Any person, who believes his/her Title VI rights have been violated, may file a complaint. Any such complaint must be in writing and filed with the FMPO Civil Rights Officer, within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. For additional information about FMPO's Civil Rights programs and the procedures to file a complaint contact FMPO Civil Rights Office at the address listed below:

### AVISO PÚBLICO DE LA LEY DE NO-DISCRIMACIÓN DE FMPO (TÍTULO VI)

Organización de Planificación Metropolitana de Flagstaff informa al público que esta agencia tiene como regla asegurar el cumplimiento total del Título VI de la Ley de los Derechos Civiles de 1964, y otras normas relacionadas con todos los programas y actividades.

El programa del Título VI de FMPO exige que a ninguna persona se le excluya de participar, se le nieguen beneficios o de ninguna otra manera sea sujeta a discriminación en ningún programa o actividad de FMPO por motivo de raza, color, país de origen, edad, sexo, discapacidad, bajos recursos económicos o dominio limitado del inglés.

Cualquier persona que crea que se han violado sus derechos bajo el Título VI puede presentar una queja. Esta queja debe presentarse por escrito a la Oficina de Derechos Civiles de FMPO dentro de ciento ochenta (180) días a partir de la fecha en que se alega que ocurrió la discriminación. Para recibir más información sobre los programas de Derechos Civiles de FMPO y los procedimientos para presentar una queja, por favor póngase en contacto con la Oficina de Derechos Civiles de FMPO a la dirección que aparece abajo:

**Stacey Brechler-Knaggs**  
TITLE VI NONDISCRIMINATION  
PROGRAM MANAGER

**FMPO Civil Rights Office**  
211 W. Aspen Ave.  
Flagstaff, AZ 86001  
928-213-2227 PHONE  
928-213-2209 FAX